

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA, et al.,

Plaintiffs,

v.

EXPRESS SCRIPTS, INC., et al.,

Defendants.

Civil Action No. 05-CV-01714(DMC)(JAD)

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**[PROPOSED] ORDER REGARDING
DEFENDANT AMERISOURCEBERGEN
CORPORATION'S MOTION TO
DISMISS CLAIMS AGAINST IT
PURSUANT TO FED. R. CIV. P. 12(b)(1)**

THIS MATTER having been brought before the Court upon the Motion of AmerisourceBergen Corporation ("ABC") through its attorneys Morgan, Lewis & Bockius LLP, for an Order dismissing Plaintiff-Relator David Morgan's Third Amended Complaint with prejudice as to ABC pursuant to Federal Rule of Civil Procedure 12(b)(1), and the Court having considered the parties' paper submissions and the arguments of counsel, if any; and for good cause appearing:

IT IS on this _____ day of _____, 2013, ordered that ABC's Motion is **GRANTED**, and all claims asserted against ABC are hereby dismissed with prejudice, pursuant to Rule 12(b)(1).

Honorable Dennis M. Cavanaugh, U.S.D.J.